

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

VINCENT DANIEL HOPPER A.K.A.
ANTOLIN ANDREW MARKS,

Plaintiff,

v.

JOHN DOE MYERS RECREATIONAL
COACH NORTHWEST DETENTION
CENTER *et al.*,

Defendants.

Case No. C05-5680RBL

ORDER TO SHOW CAUSE

This Bivens action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. The only remaining defendant is Michael Melendez, the federal officer in charge of the facility. He is sued in his official capacity. The only remaining issue is the constitutionality of the telephone system at the facility where plaintiff is housed.

Pending before the court is defendant's motion for summary Judgement (Dkt. # 141). Two issues have not been adequately briefed, or the briefing is inconsistent. The court requires more information. The court needs to learn from the parties the following information:

1. Has the fifteen digit calling restriction been removed from the system entirely, or only from

1 certain numbers? If the answer is only from certain numbers, what numbers?

- 2 2. When a detainee is allowed to make a call in the intake area what steps are taken to assure
3 the telephone call to counsel or consulates remains confidential? The court needs to know
4 the procedure in place and mechanics or physical lay out of the intake area.

5 A response from both parties will be due **September 14, 2007**. This document will be no more than
6 ten pages long. Either party may file a reply to the other party's response. The reply will raise no new
7 issues and will again be limited to ten pages. The reply will be due on or before **September 21, 2007**. The
8 court will consider the defendant's motion for summary judgment, (Dkt. # 141), at that time. In all other
9 respects this action remains **STAYED**.

10 The clerk's office is directed to send a copy of this order to plaintiff and counsel for defendants. the
11 due dates for the responses and replies.

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13 DATED this 20 day of August, 2007.

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15 /S/ J. Kelley Arnold
16 J. Kelley Arnold
17 United States Magistrate Judge
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